

REMARKS:

Claims 39-74 are currently pending in the application.

Claims 1-38 have been previously canceled, without *prejudice*.

Claims 63-74 stand rejected under 35 U.S.C. § 101.

Claims 39, 43-44, 46-51, 55-56, 58-63, 67-68, and 70-74 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,996,589 to Jayaram et al. (hereinafter "*Jayaram*") in view of U.S. Patent No. 7,149,746 to Fagin et al. (hereinafter "*Fagin*").

Claims 45, 57, and 69 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* and *Fagin* in view of U.S. Patent No. 6,996,589 to Jennyc et al. (hereinafter "*Jennyc*").

Claims 40, 52, and 64 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* and *Fagin* in view of U.S. Publication No. 2002/0046301 to Shannon et al. (hereinafter "*Shannon*").

Claims 41-42, 53-54, and 65-66 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* and *Fagin* in view of U.S. Patent No. 6,381,709 to Casagrande et al. (hereinafter "*Casagrande*").

Applicants note with thanks the Examiner's response of 14 September 2010. Applicants further note with thanks the Examiner's withdrawal of the previous rejections of Claims 39, 43-44, 46-47, 51, 55-56, 58-59, 63, 67-68, and 70-71 under 35 U.S.C. § 102(e) over *Jayaram*.

Applicants respectfully submit that all of Applicants arguments and amendments are without prejudice or disclaimer. In addition, Applicants have merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, Applicants reserve the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. Applicants further respectfully submit that by not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are considered sufficient to overcome the Examiner's rejections. In addition, Applicants reserve the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

I. Rejections Under 35 U.S.C. § 101

Claims 63-74 stand rejected under 35 U.S.C. § 101 as allegedly being directed towards non-statutory subject matter.

In response, Applicants have amended Applicants claims to expedite prosecution of the subject application and to ensure Applicants claims are directed to patentable subject matter. By making these amendments, Applicants do not indicate agreement with or acquiescence to the Examiner's position with respect to the rejections of these claims under 35 U.S.C. § 101, as set forth in the Office Action.

Applicants respectfully submit that Claims 63-74 are directed to statutory subject matter. Applicants further respectfully submit that Claims 63-74 are in condition for allowance. Therefore, Applicants respectfully request that the rejection of Claims 63-74 under 35 U.S.C. § 101 be reconsidered and withdrawn.

II. Support for Current Claim Amendments

In compliance with 35 U.S.C. § 112, Applicants respectfully submit that support for Applicants' current claim amendments may be found at least at page 13, line 19 – page 14, line 2 of Applicants' specification, as filed, provided below for the Examiner's convenience:

In one embodiment, in addition to source interfaces 16a, target interfaces 16b, and any session interfaces 20, data integration server 10 may expose one or more transformation interfaces 28. Although not required, a transformation interface 28 may allow an application developer to design, develop, and package custom or other transformation logic to be applied during a bulk data transfer to resources extracted from source data store 12a using the associated source interface 16a before these resources are loaded into target data store 12b using the associated target interface 16b. If controller 26 extracts and loads data on a data entity by data entity basis as described above and a transformation cannot be performed on that basis (e.g., cannot be performed row by row or object by object), data entity by data entity flow may be accomplished on both sides of the transformation (e.g., row by row or object by object inbound to the transformation, then row by row or object by object outbound from the transformation). A transformation interface 28 may help uncouple transformation logic from programmatic interfaces 16, encapsulating and hiding the transformation logic from programmatic interfaces 16, which may

help facilitate more elegant and intelligent implementations of programmatic interfaces 16. (Emphasis added).

III. Rejections Under 35 U.S.C. § 103(a)

Claims 39, 43-44, 46-51, 55-56, 58-63, 67-68, and 70-74 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* and *Fagin*. Claims 45, 57, and 69 stand rejected under 35 U.S.C. § 103(a) over *Jayaram*, *Fagin* and *Jennyc*. Claims 40, 52, and 64 stand rejected under 35 U.S.C. § 103(a) over *Jayaram*, *Fagin* and *Shannon*. Claims 41-42, 53-54, and 65-66 stand rejected under 35 U.S.C. § 103(a) over *Jayaram*, *Fagin* and *Casagrande*.

Applicants respectfully submit that Claims 39-74 in their current form contain unique and novel limitations that are not disclosed by *Jayaram*, *Fagin*, *Jennyc*, *Shannon*, and *Casagrande*, either individually or in combination. Thus, Applicants respectfully traverse the Examiner's obvious rejection under 35 U.S.C. § 103(a) over the proposed combination of *Jayaram*, *Fagin*, *Jennyc*, *Shannon*, and *Casagrande* either individually or in combination.

In rejecting Claim 39, the Examiner states the following:

Jayaram does not specifically teach relational interfaces. Fagin teaches one or more relational interfaces (new or alternate mappings), each relational interface coupled with a corresponding relational data store (e.g., coupled to 205 and 210), wherein a server (e.g., computer 15) reads data entities directly from and writes data entities directly to the one or more relational data stores during data transfer without using the plurality of programmatic source interfaces or the plurality of programmatic target interfaces (col. 4, lines 7-29; col. 13, lines 5-22; col. 21, lines 32-43).

(14 September 2010 Non-Final Office Action, pages 4-5). Applicants thank the Examiner for noting that *Jayaram* fails to disclose “***relational interfaces***,” however, Applicants respectfully disagree with the Examiner's assertion *Fagin* discloses the following limitation of Claim 39:

one or more relational interfaces, each relational interface coupled with a corresponding relational data store and exposed within the data integration server during a bulk data transfer, wherein the data integration server reads data entities directly from and writes data entities directly to the one or more relational data stores during the bulk data transfer without using the plurality of programmatic source interfaces or the plurality of programmatic target interfaces;

For further clarification, Applicants respectfully direct the Examiner's attention to column of *Fagin*, provided below, on which the Examiner relies:

A simpler predicate may be used if one or more attributes of Children 500 are constrained to be non-null. Note that these two predicates on Kids 210 and Children 500 are not necessarily equivalent. Finally, a user may also specify constraints on source 205 or target 210 values. The following examples constrain the Family Income attribute of the target 210 to be under \$100,000 and the source 205 attribute Age of Children 500 to be under 7:

Kids.Family Income<\$100,000

Children.Age<7.

As shown above, the portion of *Fagin* relied on by the Examiner fails to disclose at least the above referenced limitation of Claim 39. By contrast, the portion of *Fagin* relied on by the Examiner merely discloses, among other things, an example of one or more attributes having a non-null constraint. Applicants respectfully submit that this is not analogous to “*the data integration server read[ing] data entities directly from and writ[ing] data entities directly to the one or more relational data stores during the bulk data transfer without using the plurality of programmatic source interfaces or the plurality of programmatic target interfaces,*” as required by Claim 39. Applicants respectfully request further clarification of the Examiner's reliance on the above-referenced portion of *Fagin* to provide disclosure of this limitation of Claim 39.

Furthermore, Applicants respectfully submit that the limitation of “*one or more transformation interfaces that are exposed within the data integration server during a bulk data transfer, the one or more transformation interfaces uncouple transformation logic from one or more programmatic source interfaces and one or more programmatic target interfaces,*” of Claim 39, as amended, is not disclosed by any of the references cited by the Examiner nor do any of the cited references provide any teaching, suggestion or motivation to render obvious this newly added claim element.

Accordingly, Applicants respectfully request that the Examiner's rejections to Claims 39-74 under 35 U.S.C. § 103(a) over the proposed combination of *Jayaram*, *Fagin*, *Jennyc*, *Shannon*, and *Casagrande* be withdrawn.

IV. Office Action Fails to Properly Establish a *Prima Facie* case of Obviousness over the Proposed Jayaram-Fagin-Jennyc-Shannon-Casagrande Combination According to the UPSTO Examination Guidelines

Applicants respectfully submit that the Office Action fails to properly establish a *prima facie* case of obviousness based on the proposed combination of *Jayaram*, *Fagin*, *Jennyc*, *Shannon*, and *Casagrande*, either individually or in combination, and in particular, the Office Action fails to establish a *prima facie* case of obviousness based on the “Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*” (hereinafter the “Guidelines”).

As reiterated by the Supreme Court in *KSR International Co. v. Teleflex Inc.* (*KSR*), the framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.* (383 U.S. 1, 148 USPQ 459 (1966)). Obviousness is a question of law based on underlying factual inquiries. These factual inquiries enunciated by the Court are as follows:

- (1) Determining the scope and content of the prior art;
- (2) Ascertaining the differences between the claimed invention and the prior art; and
- (3) Resolving the level of ordinary skill in the pertinent art.

(Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). Objective evidence relevant to the issue of obviousness must be evaluated by Office personnel. (383 U.S. 17–18, 148 USPQ 467 (1966)). As stated by the Supreme Court in *KSR*, “While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.” (*KSR*, 550 U.S. at ___, 82 USPQ2d at 1391).

However, it is important to note that the Guidelines require that Office personnel “***ensure that the written record includes findings of fact*** concerning the state of the art and the teachings of the references applied. (Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). In addition, the Guidelines remind Office personnel that the “***factual findings made by Office personnel are the necessary underpinnings to establish obviousness.***” (*id.*). Further, “***Office personnel must provide an explanation to support an obviousness rejection*** under 35 U.S.C. § 103. (*id.*). In fact, “35 U.S.C. 132 requires that the applicant be notified of the reasons for the rejection of the claim so that he or

she can decide how best to proceed” and “clearly setting forth findings of fact and the rationale(s) to support a rejection in an Office action leads to the prompt resolution of issues pertinent to patentability.” (*id.*).

With respect to the subject application, the Office Action has not shown the ***factual findings necessary to establish obviousness*** or even ***an explanation to support the obviousness rejection*** based on the proposed combination of *Jayaram, Fagin, Jennyc, Shannon, and Casagrande*. The Office Action merely states that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to “use known technique of alternative relational interfaces of Fagin's system to improve similar method of interfacing systems for data transfer in Jayaram's system in the same way,” “include conversion of data only if the first and second formats are different,” “include relational interface as alternative of the plurality of programmatic source interfaces and the plurality of programmatic target interfaces during the bulk data transfer without using the plurality of programmatic source interfaces or the plurality of programmatic target interfaces,” “use known technique of release of interface of Jennyc' s system,” “use known technique of JAVA interface of Shannon's system,” “use known technique of FTP interface of transferring data in Casagrande's system,” and “include sending the source data to any client.” (14 September 2010 Non-Final Office Action, Pages 5-12). Applicant respectfully disagrees and respectfully submits that the Examiner’s conclusory statements are not sufficient to establish the ***factual findings necessary to establish obviousness*** and is not a sufficient ***explanation to support the obviousness rejection*** based on the proposed combination of *Jayaram, Fagin, Jennyc, Shannon, and Casagrande*.

The Guidelines further provide guidance to Office personnel in “determining the scope and content of the prior art” such as, for example, “Office personnel must first obtain a thorough understanding of the invention disclosed and claimed in the application.” (Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). The scope of the claimed invention must be clearly determined by giving the claims the “broadest reasonable interpretation consistent with the specification.” (*See Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005) and MPEP § 2111.). In addition, the Guidelines state that any “***obviousness rejection should include***, either explicitly or implicitly in view of the prior art applied, ***an indication of the level of ordinary skill.***” (Notice, 72 Fed. Reg. 57528 (Oct. 10, 2007)). With respect to the subject Application, the Office Action has not provided ***an indication of the level of ordinary skill.***

The Guidelines still further provide that once the *Graham* factual inquiries are resolved, Office personnel must determine whether the claimed invention would have been obvious to one of ordinary skill in the art. (*Id.*). For example, the Guidelines state that ***Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.*** (*Id.*). In addition, the Guidelines state that the proper analysis is ***whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts.*** (*Id.* and *See* 35 U.S.C. § 103(a)).

With respect to the subject Application, the Office Action has not expressly resolved any of the *Graham* factual inquiries to determine whether Applicants' invention would have been obvious to one of ordinary skill in the art. In addition, the Office Action fails to ***explain why the difference(s) between the proposed combination of Jayaram, Fagin, Jennyc, Shannon, Casagrande, and Applicants' claimed invention would have been obvious to one of ordinary skill in the art.*** The Office Action merely states that "it would allow Jayaram's system to provide alternative mappings for interfacing transferred data between the systems," "in order to avoid inefficient process of conversion between data stores of the same format," "because by doing so it would allow backup interface for performing the functions of the programmatic interfaces in case of failure in the programmatic interface, thus providing alternative interface without using the programmatic interface," "to improve similar method of interfacing systems for data transfer in Jayaram's system in the same way," and "because by doing so it would allow data transfer between any source to any client." (14 September 2010 Non-Final Office Action, Pages 5-12). Applicants respectfully disagree and further respectfully requests clarification as to how this statement ***explains why the difference(s) between the proposed combination Jayaram, Fagin, Jennyc, Shannon, Casagrande, and Applicants' claimed invention would have been obvious to one of ordinary skill in the art.*** Applicant further respectfully submits that the Examiner is using the subject Application as a template to formulate reconstructive hindsight, which constitutes impermissible use of hindsight under 35 U.S.C. § 103(a).

The Guidelines yet further state that the "key to supporting any rejection under 35 U.S.C. 103 is the ***clear articulation of the reason(s) why the claimed invention would have been obvious.***" (Notice, 72 Fed. Reg. 57528 (Oct. 10, 2007)). In fact, the Supreme Court in *KSR* noted that "***the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.***" (*id.*). The Court quoting *In re Kahn* (441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)), stated that

“‘[R]ejections on *obviousness cannot be sustained by mere conclusory statements*; instead, there *must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*’” (KSR, 550 U.S. at ___, 82 USPQ2d at 1396). The Guidelines provide the following seven rationales:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) “‘Obvious to try’”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Applicant respectfully submits that the *Office Action fails to provide any articulation, let alone, clear articulation of the reasons why Applicants’ claimed invention would have been obvious*. For example, the *Examiner has not adequately supported the selection and combination of Jayaram, Fagin, Jennyc, Shannon, and Casagrande to render obvious Applicants’ claimed invention*. The Examiner’s unsupported conclusory statements detailed above *do not adequately provide clear articulation of the reasons why Applicants’ claimed invention would have been obvious*. In addition, the Examiner’s unsupported conclusory statements fail to meet any of the Guidelines rationales to render obvious Applicants’ claimed invention.

Thus, if the Examiner continues to maintain the obvious rejection based on the proposed combination of *Jayaram, Fagin, Jennyc, Shannon, and Casagrande*, Applicants respectfully request that the Examiner provide proper support for the obviousness rejection under 35 U.S.C. § 103 as necessitated by the Guidelines, including an explicit analysis of the rationale relied upon by the Examiner.

A. Applicants' Claims are Patentable over Jayaram, Fagin, Jennyc, Shannon, and Casagrande

Claims 40-42, 45, 48, and 50 depend from Claim 39; Claims 52-54, 57, 60, and 62 depend from Claim 51; and Claims 64-66, 69, 72, and 74 depend from Claim 63 and are considered patentably distinguishable over *Jayaram Fagin, Jennyc, Shannon, and Casagrande* for at least the reason of depending from an allowable claim.

Applicants respectfully submit that Claims 40-42, 45, 48, 50, 52-54, 57, 60, 62, 64-66, 69, 72, and 74 are not anticipated nor rendered obvious by the cited references. Applicants further respectfully submit that Claims 40-42, 45, 48, 50, 52-54, 57, 60, 62, 64-66, 69, 72, and 74 are in condition for allowance. Thus, Applicants respectfully request that Claims 40-42, 45, 48, 50, 52-54, 57, 60, 62, 64-66, 69, 72, and 74 be allowed.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although Applicants believe no fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

13 December 2010
Date

/Steven J. Laureanti/signed
Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy., Ste. 101
Tempe AZ, 85281
214.636.0799 (mobile)
480.830.2700 (office)
480.830.2717 (fax)
steven@boothudall.com

CUSTOMER NO. 53184